

ORDINANCE 2020-2 VACATING PUBLIC WAY IN  
INCORPORATED AREA OF THE TOWN OF MILLERSBURG, INDIANA

A Petition having heretofore been filed with the Town Council of the Town of Millersburg, Indiana on the 26th day of January, 2020 requesting the vacation of a certain public way within the incorporated area of the Town of Millersburg, Indiana, and more particularly described therein, said Petition being in the words and figures following, to-wit: (H.I.); and the hearing before the Town Council of the Town of Millersburg, Indiana having been held on the 26<sup>th</sup> day of February, 2020; and formal legal notice, by certified mail, return receipt requested, having been waived by the Town of Millersburg as the owner of all land that abuts the public way to be vacated; and formal legal publication notice as to said hearings have been published in *The Goshen News* on the 26<sup>th</sup> day of January 2020, advising all necessary parties of the time, place, and date of said hearing; said legal notice by mail having been so waived, and legal notice been so published, being in the words and figures following, to-wit: (H.I.); and the Town Council of the Town of Millersburg, Indiana, pursuant to applicable Indiana law, having conducted the public hearing on said Petition on the date set forth in said Notice, and being duly advised in the premises, now finds as follows:

1. That the Petition heretofore filed is in proper order, and that proper legal notice of the public hearing conducted with regard to said Petition has been published.
2. The vacation of the public way in question would not hinder the growth or orderly development of the Town of Millersburg, Indiana, or the neighborhood in which it is located or to which it is contiguous.

**Exhibit   A**

3. The vacation of the public way in question will not make access to the lands of any property owners within the Town of Millersburg, Indiana by means of public way difficult or inconvenient.
4. The vacation of the public way in question will not hinder the public's access to a church, school, or other public building or place.
5. The vacation of the public way in question will not hinder the use of a public way by the neighborhood in which it is located or to which it contiguous.

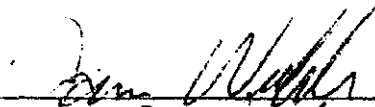
NOW, THEREFORE, BE IT ORDERED, ADJUDGED, DECREED, AND  
ORDAINED by the Town Council of the Town of Millersburg, Indiana as follows:

1. That said Petition is hereby, in all respects, approved and confirmed, and the request therein made to vacate a public way is hereby granted.
2. That the following described public way situate in the incorporated area of the Town of Millersburg, Indiana is hereby vacated, said public way being described as follows:  
The north-south public alley located between Lots Fifteen (15) and Twenty-two (22) from Railroad Street and Washington Street on the south to the east-west alley south of Main Street in the original Plat of the Town of Millersburg recorded at Deed Record 19, page 577, Elkhart County Records.
3. That title in fee simple to the above vacated property shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated.
4. That these proceedings shall not deprive any public utility of these use of all or part of the public way herein granted if at the time these proceedings are instituted the utility

is occupying or using all or part of that public way for the location and operation of its facilities.

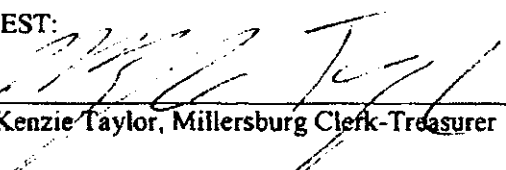
Dated this 26<sup>th</sup> day of February, 2020

TOWN COUNCIL OF THE TOWN OF  
MILLERSBURG, INDIANA

By:   
Printed Name: JAMES WINKLER

Title: Presiding Officer

ATTEST:

By:   
MacKenzie Taylor, Millersburg Clerk-Treasurer

2020-07086

ELKHART COUNTY RECORDER  
JENNIFER L. DORIOT  
FILED FOR RECORD ON  
04/06/2020 02:59 PM  
AS PRESENTED

STATE OF INDIANA        )  
                                  ) SS:                   RECORDING AFFIDAVIT  
COUNTY OF ELKHART    )

AFFIDAVIT FOR RECORDING ORDINANCE VACATING PUBLIC WAY

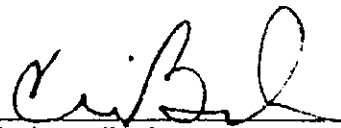
COMES NOW, Craig M. Buche, and after first being duly sworn upon his oath, states as follows:

1. That I am an attorney with the law firm of Yoder, Ainlay, Ulmer & Buckingham, LLP which serves as legal counsel for the Town of Millersburg, Indiana.

2. That attached hereto as Exhibit A is a true and accurate copy of Ordinance No.2020-2 adopted by the Town Council of the Town of Millersburg, Indiana entitled "Ordinance 2020-2 Vacating Public Way in Incorporated Area of the Town of Millersburg, Indiana" which was duly ordained and adopted on February 26, 2020.

3. That the time for filing a remonstrance or appeal against the Ordinance has expired, and no remonstrance or appeal has been filed.

4. Further, Affiant sayeth not.

  
\_\_\_\_\_  
Craig M. Buche  
Attorney for the Town of Millersburg, IN

MH  
20-12-31-460-008/009.000-008

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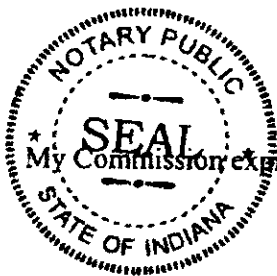
MC

No Sales Disclosure Required EM

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF ELKHART    )

Subscribed and sworn to by Craig M. Buche before me, a Notary Public, in and for said County and State this 6<sup>th</sup> day of April, 2020.

WITNESS my hand and notarial seal.



Jill Ann Biller  
Jill Ann Biller, Notary Public  
Resident of Elkhart County, IN

Commission Number: 671923

Prepared by Craig M. Buche, Yoder, Ainlay, Ulmer & Buckingham, LLP  
130 N. Main Street, Goshen, IN 46526  
Telephone: 574-533-1171

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Craig M. Buche,  
130 N. Main St., Goshen, IN 46526